IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

JOHN INMAN, #234821)	
Plaintiff(s),)	
v.)	4 08 CV 84 C
STATE OF ALABAMA, ET AL.)	2-05-CV-526-T
Defendant(s).)	
)	

ANSWER OF DEFENDANT JAMES CATON, JR.

COMES NOW Defendant James Caton, Jr., by and through the undersigned counsel, and for her Answer to the above-styled action, states as follows:

Defendant denies each and every material allegation made in the Complaint, and demands strict proof thereof.

Defendant denies that he violated any of the Plaintiff's constitutional rights.

<u>DEFENSES AND AFFIRMATIVE DEFENSES</u>

The Plaintiff has failed to state a claim upon which relief may be granted.

Defendant is entitled to state agent immunity.

Defendant is entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

Defendant is entitled to Eleventh Amendment Immunity.

Defendant is entitled to qualified immunity.

Plaintiff's claims are barred by Ala. Code § 32-1-2.

Plaintiff's injuries, if any, were caused by the negligence of others over whom this defendant had no control, therefore plaintiff is barred from recovery against this defendant.

Respectfully submitted,

TROY KING (KIN047) Attorney General

/s/Benjamin H. Albritton Benjamin H. Albritton (ALB008) **Assistant Attorney General**

ADDRESS OF COUNSEL:

Office of the Attorney General 11 South Union Street Montgomery, AL 36130 (334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 26th day of August, 2005, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

John Inman, AIS# 234821 Frank Lee Youth Center P.O. Box 220410, Dorm I-70 Deatsville, AL 36022

> /s/Benjamin H. Albritton Benjamin H. Albritton Assistant Attorney General